

# THE KINGDOM OF JERUSALEM AND THE COLLAPSE OF HOHENSTAUFEN POWER IN THE LEVANT

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Emperor Frederick II of Hohenstaufen arrived in Acre in September 1228. Since 1215 he had promised to go on crusade, yet time and time again he had postponed the expedition. In 1225 he married Isabella II, heiress to the Kingdom of Jerusalem, who died shortly before his departure for the Levant leaving a small son born on April 25, 1228, who inherited the crown. After his arrival in Acre on September 7, 1228, the emperor was formally recognized by the nobility of the kingdom as regent for his infant son Conrad. Frederick's success in dealing with the Muslims was spectacular. Without bloodshed he forced Sultan al-Malik al-Kāmil of Egypt to cede to the Christians the city of Jerusalem, albeit without the Temple Mount, as well as some areas of Palestine lost to the Muslims in 1187 in the wake of the battle of Hattin. About a month later, on March 17, 1229, Frederick II entered Jerusalem, and the next day he solemnly wore the crown in the Holy Sepulcher. On the other hand, Frederick's departure from Acre in May 1229 took place under rather humiliating circumstances. The reversal of public opinion against him was caused by a series of incidents that had occurred since he landed in Cyprus on his way to Acre. He had antagonized many of the leading nobles who opposed his rule in the two kingdoms. The cleavage between the anti-imperialist camp headed by the Ibelin clan and Frederick II backed by his supporters dominated the history of the Kingdom of Jerusalem until the early 1240s. It erupted into open warfare on various occasions, and for several years the balance of power shifted one way or the other. A stalemate was reached, however, in the mid-1230s. Frederick II retained control of Tyre and its lord-

ship—thanks to a military contingent headed by marshal Riccardo Filangieri, his lieutenant in the kingdom—as well as of Jerusalem, while Acre and the rest of the kingdom's territory were in effect ruled by the anti-imperialists.<sup>1</sup>

The last stage of Emperor Frederick's active policy in the Levant, the subject of this study, is extremely well documented. It is tightly related to the letter sent by his son Conrad to the liegemen of the Kingdom of Jerusalem announcing that he had come of age and intended to assume direct rule; to the proclamation of Alice, queen-dowager of Cyprus, as regent of this kingdom; and finally, to the conquest of Tyre, the last stronghold of the imperial forces. The latter's departure signaled the final collapse of Emperor Frederick's plans and power in the Levant. All these events occurred in rapid succession within a few months, yet it remains to determine in which year. Modern historians have almost unanimously, though somewhat hesitantly, dated them in 1243,<sup>2</sup> although the hitherto known sources point to 1242. Their argumentation revolves around Conrad's majority. Since Conrad was born on April 25, 1228, they claim that he came of age when he completed his fifteenth year, that is, in 1243; only then could and did the liegemen of the kingdom declare that the regency of Frederick II had ended and elect Alice of Cyprus to fill his place. All the other events connected with this pro-

<sup>1</sup>These events have been reconstructed and often discussed. The latest and most useful works for our purposes are the general historical survey by J. Prawer, *Histoire du royaume latin de Jérusalem* (Paris, 1969–70), and the study of specific problems by J. Riley-Smith, *The Feudal Nobility and the Kingdom of Jerusalem, 1174–1277* (London, 1973).

<sup>2</sup>Most recently H. E. Mayer, "John of Jaffa, His Opponents and His Fiefs," *PAPS* 128 (1984), 150 and esp. 163 note 79. This author had previously supported the dating in 1242: see his *Geschichte der Kreuzzüge* (Stuttgart, 1965), 233, and *The Crusades* (Oxford, 1972), 249; also in the sixth German edition of this book (Stuttgart, 1985), 226.

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cedure followed in the same year. In other words, these historians assert that the dating provided by contemporary as well as later medieval sources is erroneous and soundly dismiss it because it does not conform with the legal considerations they ascribe to the liegemen. This rather puzzling methodological approach has on the whole remained unchallenged. In the last two decades only a single dissenting voice has been firmly maintained in favor of 1242.<sup>3</sup> The reconstruction of events that follows will demonstrate that these sources deserve full credit. It should be stressed, however, that the correct dating of the events is not just a matter of chronology. It has far-reaching implications for a whole range of issues. In our specific context, it is especially crucial for a proper understanding of legal and constitutional principles and procedures relating to the regency of Frederick II, as well as to the course of action taken in the Levant by the emperor and his son Conrad on the one hand and by their opponents on the other. It is essential, therefore, to approach these complex problems in two successive stages: first, to examine anew the sources pointing to 1242 in order to assess the validity of their chronology; second, if the conclusion reached indeed confirms that their dating is correct, offer a new and convincing reconstruction of events. Only afterward shall we be in a position to assess the impact of the moves of the adversaries on the later development of the Kingdom of Jerusalem.

The most important source pointing to 1242 used up till now is Philip of Novara's chronicle.<sup>4</sup> Al-

though boastful, Philip's long and detailed account is especially valuable because the author was an eyewitness of many of the events he describes and, moreover, directly involved in the political developments leading to the ouster of the imperial forces from Syria. The date 1242 appears in his narrative with regard to two specific episodes.<sup>5</sup> It has been suggested that this dating is due to the compiler of the *Gestes des Chiprois*, who integrated Philip's chronicle into his own work.<sup>6</sup> There is no valid reason, however, to doubt that the dating already appeared in the original version of Philip's text, all the more so because both episodes must have been of crucial importance to this author. Philip sided and fought with the Ibelins in their war against Frederick II, which he described in his chronicle. According to C. Kohler's reconstruction of the original version of his work, it appears that Philip provided a dense narrative up to the spring of 1233, then proceeded directly to 1236, and later to the events he dated in 1241–42, leaving large chronological gaps between the accounts covering these years. There must obviously have been weighty reasons for him to resume his historical writing twice, each time for a short period only. Indeed, in the first instance he records the death in 1236 of his patron John of Ibelin, lord of Beirut.<sup>7</sup> In the second case he presents a comprehensive account of the dramatic events which according to him occurred in 1241–42 and led to the end of active imperial involvement in the Levant.<sup>8</sup> The concluding section of this last episode contains a remark of particular interest in our context, followed by the dating in 1242: "Adonc fu desraciné et araché le pesme ni des Longuebars, si qu'onques puis n'orent pooir en Surie ni en Chipre."<sup>9</sup> ("Thus was rooted out and cast away the evil nest of the Lombards, so that never after did they have power in Syria nor in Cyprus.")

This remark was clearly written several years after

<sup>3</sup>M. L. Bulst, "Zur Geschichte der Ritterorden und des Königreichs Jerusalem im 13. Jahrhundert bis zur Schlacht bei La Forbie am 17. Oktober 1244," *DA* 22 (1966), 215 and note 56, and M. L. Bulst-Thiele, *Sacrae domus militiae Templi hierosolymitani magistri. Untersuchungen zur Geschichte des Templerordens, 1118/9–1314* (Göttingen, 1974), 205–6, who relied on P. Richter, "Beiträge zur Historiographie in den Kreuzfahrerstaaten, vornehmlich für die Geschichte Kaiser Friedrichs II.," *MIÖG* 13 (1892), 272–73; also R. Hiestand, "Zwei unbekannte Diplome der lateinischen könige von Jerusalem aus Lucca," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, 50 (1970), 37 and esp. note 16. These authors, however, were not aware of a most valuable source used below for the first time in this connection. Although I agree with them about the year, my detailed chronology of the events greatly differs from theirs.

<sup>4</sup>This chronicle is known from an early 14th-century compilation published as *Les gestes des Chiprois*, ed. G. Raynaud (Geneva, 1887) (hereafter *Gestes*), in which it was incorporated after being edited: see *ibid.*, pars. 98–234. It was subsequently reprinted with some minor corrections in *RHC, DocArm*, II (Paris, 1906), 670–736, with an introduction by C. Kohler, *ibid.*, CCXIX–CCLXIV, esp. CCXXV–CCXXXIX. A third edition, published as Philippe de Novare, *Mémoires, 1218–1243*, ed. C. Kohler (Paris, 1913), is an attempt to reconstruct Philip's original text with the

help of later Cypriot chronicles whose authors seem to have used it. For details, see the introductions to the three editions. I shall rely here on Kohler's edition, in which the paragraphs are designated by Roman numerals; the Arabic figures refer to the corresponding text in the two other editions. Kohler's text has been translated by J. L. LaMonte, *The Wars of Frederick II against the Ibelins in Syria and Cyprus by Philip de Novare* (New York, 1936), the introduction of which does not alter Kohler's conclusions about the writing and dating of the chronicle, save on a few minor points: see *ibid.*, 3–21.

<sup>5</sup>Philippe de Novare, *Mémoires*, pars. CLXVIII (224)–CLXXXIX (229).

<sup>6</sup>See Kohler, *ibid.*, 133.

<sup>7</sup>Philippe de Novare, *Mémoires*, pars. CLVIII (212)–CLIX.

<sup>8</sup>*Ibid.*, pars. CLX (221)–CLXXXIX (229).

<sup>9</sup>*Ibid.*, par. CLXXXIX (229).

the ouster of the emperor's forces from Tyre. It is impossible to determine, however, whether such is also the case with the whole account to which it refers. It appears that after having completed his chronicle by 1247 Philip introduced into his text several interpolations, the latest of which he composed around 1258.<sup>10</sup> The text cited above may also be such an interpolation of his. Yet whatever the date at which this text or the whole account to which it is linked was written, there are compelling arguments to suggest that their chronology is correct. It is indeed difficult to believe that even at a later stage of his life Philip could have erred in the dating of his personal involvement in two crucial episodes, the proclamation of Alice as regent and the conquest of the castle of Tyre. In the first case he was handsomely rewarded by Queen Alice, who paid his heavy debts, granted him a fief providing a yearly income of one thousand besants, and appointed him to an important administrative post. Philip does not fail to stress the social promotion he enjoyed as a result of Alice's actions.<sup>11</sup> He later recounted his decisive role in arranging the surrender of the imperial forces besieged in the castle of Tyre.<sup>12</sup> The comment by which he concluded this section of his narrative, already cited above, is highly significant. The collapse of Emperor Frederick's power in the Kingdom of Jerusalem was a momentous event, the date of which Philip must have remembered well, all the more so as it fulfilled the hopes he had entertained for many years.

Philip of Novara's dating is fully supported by another account written by Marsilio Zorzi, who arrived as Venetian bailo in the Crusader Levant shortly before Alice assumed the regency of the Kingdom of Jerusalem. Marsilio's assignment was to restore Venice's badly eroded position in the kingdom. His mission, achievements, and failures in the Levant are illustrated by the report he compiled in the area and submitted shortly after his return to Venice.<sup>13</sup> Marsilio's report is especially valuable in our context because he too took an active part in the developments that culminated in

the conquest of the castle of Tyre. Furthermore, he provided specific dates for several important events: the recognition of Alice as regent on June 5, the arrival of the anti-imperialist forces outside Tyre four days later, the conquest of the city on June 12, and, finally, the surrender of the castle of Tyre on July 10.<sup>14</sup> The edition of Marsilio's report is based on the text found in the fourteenth-century Venetian *Liber Albus*, which does not assign these events to a specific year. There is, however, a thirteenth-century version preserved in the Biblioteca Querini-Stampalia in Venice (MS. 1064 = Cl. IV, cod. 3), which provides the complete text of Marsilio's report and includes some important sections as well as variants not found in the edited version. The general preamble of Marsilio's report found in this manuscript is of particular importance for our purposes, as it provides decisive evidence for the year in which the events mentioned above occurred. It reads as follows (fol. 1r): "In nomine domini nostri Ihesu Christi, anno eiusdem M.CC.XL.II<sup>o</sup> indictione XV<sup>a</sup>, mense Iunii, eo tempore cum civitas (sic) Tyri recuperavimus a nostris inimicis longobardis qui tenebant eam, ad hoc in posterum memorie commendatur, ideo nos Marsilius Georgius, baiulus in Syria Venetorum, iussu domini ducis Iacobi Teupoli fecimus redigi in publicam scripturam ea que Veneti [habent] in toto regno ierosolomitano."<sup>15</sup>

The preamble due to Marsilio explains the purpose of the compilation that follows and provides a terminus a quo for its execution, namely, the recovery of Tyre from the forces of Emperor Frederick II on June 12, 1242. The section of the report dealing with Venetian property in Acre was compiled in 1244, as indicated by its own preamble.<sup>16</sup> A terminus ad quem for the completion of the whole report can be inferred from specific references to Jerusalem and Ascalon in its last section.<sup>17</sup> Marsilio claimed property in both cities for Venice, in accordance with promises confirmed by King Baldwin II in 1125.<sup>18</sup> It is unlikely that Mar-

<sup>10</sup> See G. Paris, "Les Mémoires de Philippe de Novare," *ROL* 9 (1902), 190–93.

<sup>11</sup> Philippe de Novare, *Mémoires*, par. CLXXVII (227): "Philippe de Noveire en fu honorés et riches . . . fu bailli et tous sire." The translation of this passage in LaMonte, *Wars of Frederick II*, 178, is not accurate, nor is the emendation he suggests *ibid.*, note 1, convincing. For the use of *bailli* for officers fulfilling various fiscal functions, see Riley-Smith, *Feudal Nobility*, 59–60.

<sup>12</sup> Philippe de Novare, *Mémoires*, par. CLXXXIX (229).

<sup>13</sup> G. L. F. Tafel and G. M. Thomas, *Urkunden zur älteren Handels- und Staatsgeschichte der Republik Venedig* (Vienna, 1856–57) (hereafter TTh), II, 354–98.

<sup>14</sup> *Ibid.*, 355–56. The last date may be, however, July 7, as it is not clear whether Marsilio refers to 28 days after the conquest of Tyre on June 12 or to that period after the arrival of the baronial forces in the vicinity of Tyre. This section of Marsilio's report has been translated by LaMonte, *Wars of Frederick II*, 205–7.

<sup>15</sup> This preamble has already been published by G. [M.] Thomas, "Einen Bericht über die ältesten Besitzungen der Venezianer auf Cypern," *SBMünch. Philos.-philol.Kl.* (1878), 144. It is noteworthy that the year and the indiction fully coincide.

<sup>16</sup> TTh, II, 389.

<sup>17</sup> *Ibid.*, 398.

<sup>18</sup> TTh, II, 90–91 and 92 respectively.

silio genuinely expected Venetian colonies to be established in the near future in Jerusalem and Ascalon, cities in which none had existed before. Yet it is evident that he would not have made his claim after the loss of Jerusalem on August 23, 1244, nor after the crushing defeat suffered by the Frankish forces at La Forbie on October 17 of the same year, after which Ascalon was submitted to a Muslim blockade for three years until its fall in 1247.<sup>19</sup> Marsilio does not mention either of these events, although he refers to several others that occurred during his stay in the Levant. We may therefore safely assume that the section of Marsilio's report on Acre was completed by August 1244 at the latest. By then he may already have returned to Venice after two years in office, which in the thirteenth century seems to have been the customary period for Venetian officers sent to the Levant.<sup>20</sup> From various indications we may gather that the Querini-Stampalia manuscript is not the original report presented by Marsilio in Venice, but an official copy executed in that city at the initiative of a state institution.<sup>21</sup> It may have been prepared as early as 1246 for the Venetian ambassadors who presumably visited the Cypriot court in that year.<sup>22</sup> At any rate, Marsilio's report, compiled shortly after the events, offers decisive evidence in favor of 1242.

Among the other sources useful for our investigation only one presents dated evidence not found elsewhere. Riccardo of San Germano, a contemporary chronicler well informed about Frederick II and his court, reports that Conrad's representative Tommaso of Aquino, count of Acerra, left Italy for the Levant in June 1242. The latter's departure was closely connected with the problem of the regency of the Kingdom of Jerusalem. The same author also relates that Count Raymond VII of Toulouse arrived in September 1242 at the court of Frederick II, then at Melfi, where he intervened on behalf of Riccardo Filangieri, as we know from the *Gestes des Chiprois*.<sup>23</sup> The two anonymous ver-

sions of the *Annales de Terre Sainte* are of less importance. Both confirm the expulsion of the imperial forces from the Levant in 1242, yet the thirteenth-century version A misinterprets the facts regarding Queen Alice by asserting that she was received as queen of Jerusalem.<sup>24</sup> In short, there is overwhelming evidence to determine that the events under scrutiny here indeed occurred in 1242. We may now proceed to the reconstruction of the process culminating in the expulsion of Frederick's forces from the Levant.

Marsilio Zorzi arrived in Acre in April or early May 1242, a dating for which several arguments may be adduced. In this period organized convoys left Venice for the Levant twice a year, in the spring and the autumn, and from later evidence we know that the officers appointed to the Levant used to sail in such convoys.<sup>25</sup> Furthermore, Marsilio's arrival in Acre must have preceded by several weeks the proclamation of Alice as regent of the kingdom on June 5, 1242, in view of the developments that took place between these two events. Finally, Marsilio does not mention several important incidents ascribed by Philip of Novara to 1241.<sup>26</sup> According to this author, Riccardo Filangieri, Frederick's lieutenant in the kingdom, secretly came from Tyre to Acre, taking advantage of the dispersal of the Ibelins. With the complicity of the Hospitalers staying then in Acre, as well as two influential burgesses promising the help of their supporters, who may have entered into a *conjuratio*, he plotted the seizure of the city. Philip of Montfort, lord of Toron, was the only member of the Ibelin clan present in Acre. After learning of the scheme he took swift action with the backing of the Genoese and the Venetians. He assembled his forces, arrested the two burgesses, and sent for Balian of Ibelin, lord of Beirut, who upon his arrival in Acre rallied the whole population. It is obviously to this episode that Riccardo of San Germano alluded when writing that the city of Acre rebelled against the emperor in October 1241.<sup>27</sup> Balian thereafter be-

<sup>19</sup> See Prawer, *Histoire*, II, 310–15, for the background.

<sup>20</sup> See D. Jacoby, "L'expansion occidentale dans le Levant: Les Vénitiens à Acre dans la seconde moitié du treizième siècle," *JMH* 3 (1977), 231, 251–52, rpr. in idem, *Recherches sur la Méditerranée orientale du XII<sup>e</sup> au XV<sup>e</sup> siècle. Peuples, sociétés, économies* (London, 1979), VII.

<sup>21</sup> Arguments supporting this hypothesis will be presented elsewhere, in a study devoted to Marsilio's report.

<sup>22</sup> On their mission, see D. Jacoby, "The Rise of a New Emporium in the Eastern Mediterranean: Famagusta in the Late Thirteenth Century," *Μελέται καὶ Ὑπομνήματα, Ἰδρυμα Ἀρχιεπισκόπου Μακαρίου* (Nicosia) 1 (1984), 166.

<sup>23</sup> Ryccardus de Sancto Germano, "Chronica," MGH, SS, XIX, 383, lines 23–24 and 41. For details, see below, 92 f.

<sup>24</sup> "Annales de Terre Sainte," ed. R. Röhrich and G. Raynaud, in *AOL* 2 (1884), Documents, 440–41.

<sup>25</sup> See Jacoby, "Expansion occidentale," 231 and 255 note 21.

<sup>26</sup> For what follows, see Philippe de Novare, *Mémoires*, pars. CLX (221)–CLXVII (223). Kohler believed that the dating of these incidents in 1241 was due to the compiler of the *Gestes* (par. 220) and therefore omitted it from his version of Philip's text. It is nevertheless obvious from the sequence of events reconstructed above that Philip implicitly, if not explicitly, ascribed them to that year. See also Prawer, *Histoire*, II, 296–98, who does not date the events, and H. E. Mayer, "Ibelin versus Ibelin: The Struggle for the Regency of Jerusalem 1253–1258," *PAPS* 122 (1978), 29.

<sup>27</sup> Ryccardus de Sancto Germano, 382, line 14.

sieged the Hospitalers in order to get hold of Riccardo Filangieri, unaware that the latter, after his presence had been discovered, had secretly returned to Tyre after only one day and one night in Acre. The siege was lifted after about six months, presumably in April 1242, at any rate before Marsilio reached Acre.

Upon his arrival in this city the bailo discovered that Riccardo Filangieri had confiscated Venice's income and property in Tyre and its rural area. He sent envoys to him in order to inquire why he had done so and ask him whether he would be willing to restore Venetian interests. Filangieri refused to receive the envoys and let Marsilio Zorzi know his enmity toward Venice. Marsilio claims that in view of Filangieri's preparations to seize Acre, which no other source reports, he approached Philip of Montfort and other barons in order to ensure the defense of this city as well as the recovery of Tyre from the emperor's representative. The barons of the kingdom induced Queen Alice of Cyprus to claim the regency of the Kingdom of Jerusalem, and on June 5, 1242, she was recognized as regent in Acre. Marsilio boasts that he played a leading role in setting this whole process in motion.<sup>28</sup> It should be remembered, however, that his report was intended for Venetian consumption. The truth of the matter lies elsewhere, in the conjunction of a whole set of factors that combined in May 1242 and brought about this crucial political development.

One basic question to be solved in this context is how to reconcile the dating in 1242 of the events examined here with the opinion of most modern historians, who claim that they occurred after Conrad came of age in April 1243. In the Kingdom of Jerusalem fifteen was the age of majority for the fief-holder, and it seems likely that such was also true for the king with regard to the kingdom, although this is nowhere explicitly stated.<sup>29</sup> What-

ever the case, there is strong evidence to suggest that Conrad's own proclamation of his majority, discussed below, was not determined by the rules governing regency in the Kingdom of Jerusalem. Political rather than strictly legal factors, although the latter had obviously to be taken into account, determined Frederick's actions in this respect, and it is with this consideration in mind that we should approach the whole problem of Conrad's majority. The emperor apparently speculated that the barons were awaiting Conrad's fifteenth birthday on April 25, 1243, to challenge his own position as regent of the kingdom.<sup>30</sup> Instead of being then pushed into a defensive position, he decided to initiate a bold move that would take them by surprise about a year earlier. Conrad's letter announcing that he had come of age was most likely sent to the East shortly after he had entered his fifteenth year, on April 25, 1242, a timing that would have provided this action with some veneer of legality. Conrad was born in Andria, and in the Kingdom of Sicily fief-holders reached their majority when completing their fourteenth year.<sup>31</sup> Frederick II, of course, could not be sure whether the liegemen of the Kingdom of Jerusalem would accept the proclamation of Conrad's majority on this basis or contest it. In the latter case the status quo would be maintained and he would still have enough time to devise a new strategy until Conrad reached majority according to the custom of the kingdom.

Yet the emperor may have hoped that the leading barons would respond favorably to his initiative. He was certainly aware that their resentment against him had recently been exacerbated by Fi-

<sup>28</sup> For what follows, see "Documents relatifs à la successibilité au trône et à la régence," in *RHC, Lois*, II, 399–400 (the section of this work dealing with the events of 1242 has been translated by LaMonte, *Wars of Frederick II*, 207–9); "Eracles," in *RHC, HOcc*, II, 422; and Philippe de Novare, *Mémoires*, par. CLXVIII (224).

<sup>31</sup> In Sicily the guardianship for fief-holders ended when they reached *pubertas*: see J. L. A. Huillard-Bréholles, ed., *Historia diplomatica Friderici secundi* (Paris, 1852–61), IV, 139, titulus xxx. This stage was defined by Justinian (*CIC, Inst.*, I.22) as commencing when the fourteenth year had been completed. Accordingly the Sicilian regency of Pope Innocent III ended when Frederick II reached the age of fifteen in 1208: J. F. Böhmer, *Regesta imperii*, V. *Die Regesten des Kaiserreichs unter Philipp, Otto IV., Friedrich II., Heinrich (VII.), Conrad IV., Heinrich Raspe, Wilhelm und Richard, 1198–1272*, neu bearbeitet von J. Ficker and E. Winckelmann (Innsbruck, 1881–1901), I, no. 598a. I wish to thank H. E. Mayer for kindly suggesting the Sicilian majority in the context of the new chronology submitted here and for providing me with the appropriate references; he also suggested the connection to the barons' offer of submission presented in 1241 and made other useful comments. I alone, however, bear responsibility for the reconstruction of events and motives presented in this study.

<sup>28</sup> TTh, II, 354–55.

<sup>29</sup> As suggested by J. L. LaMonte, *Feudal Monarchy in the Latin Kingdom of Jerusalem, 1100 to 1291* (Cambridge, Mass., 1932), 51. See also H. E. Mayer, "Studies in the History of Queen Melisende of Jerusalem," *DOP* 26 (1972), 114–15, esp. note 41, rpr. in his *Probleme des lateinischen Königreichs Jerusalem* (London, 1983), III; and Riley-Smith, *Feudal Nobility*, 38. In Cyprus, where the law on the whole followed that of the Kingdom of Jerusalem, the king's majority was reached at the age of fifteen: Philippe de Novare, *Mémoires*, par. cxiv (181), and "Eracles," in *RHC, HOcc*, II, 398. Non-nobles also attained their majority at fifteen: *Livre des Assises de la Cour des Bourgeois*, chap. cclxx, and *Abrégé du Livre des Assises de la Cour des Bourgeois*, chap. xxiii: *RHC, Lois*, ed. Beugnot (Paris, 1841–43), II, 205, 254. This was also the case for nobles in the Principality of Antioch: see C. Cahen, *La Syrie du Nord à l'époque des croisades et la principauté franque d'Antioche* (Paris, 1940), 529, 533.

langieri's plot to seize Acre in October 1241. The announcement of Conrad's majority, however, created a new legal basis for Hohenstaufen rule in the Levant: henceforth the barons would deal with Conrad, while the emperor they hated and feared withdrew into the background, so to speak. Frederick II enhanced the prospects of accommodation by yet another important measure. In his letter to the liegemen Conrad also mentioned the appointment of Tommaso of Acerra as his representative in the kingdom. Tommaso of Acerra had gathered wide experience in the Levant from 1226 to 1228 while serving as Frederick's lieutenant in this region. He was to replace Riccardo Filangieri, the emperor's representative. Riccardo's removal may have been considered by Frederick II as a conciliatory gesture toward the barons, who had implicitly asked the emperor to do so when offering their submission to him in June 1241.<sup>32</sup> Tommaso's appointment and Riccardo's recall to Italy were two closely connected moves obviously devised by Frederick II to enhance his own legal, political, and military position in the Kingdom of Jerusalem. Henceforth he intended to base his own rule on Conrad's claim that he was the lawful king and exercise power through his son's representative. In spite of his past experience in the kingdom, however, Frederick was apparently unaware of the intricacies of the legal and constitutional issues regarding the regency and the wide range of maneuvering possible in their interpretation. When the liegemen assembled at Acre replied to Conrad's letter they bluntly and somewhat sarcastically stated that he did not seem to be familiar with the custom of the kingdom and that therefore they had to inform him about it.<sup>33</sup> It seems that the emperor grossly miscalculated the consequences of his moves and inadvertently played into the hands of the barons opposing him. Although Philip of Novara and Marsilio Zorzi do not mention Conrad's letter announcing his majority, it is clear from the authoritative account provided by John of Ibelin, later lord

of Jaffa, that Frederick himself set in motion the whole process that ended with his own defeat.

The events and chronology of this process fully support our hypothetical reconstruction. We have seen that Tommaso of Acerra left for the East in June 1242. Conrad's letter proclaiming his own majority and announcing Tommaso's appointment, as well as Frederick's letter recalling Riccardo Filangieri, must have been issued somewhat earlier. As already noted, it seems likely that this was done shortly after April 25 of the same year. We may thus surmise that the letters were sent from Italy to the East in the last week of April or in early May 1242. They must have traveled at least a fortnight before reaching both the barons in Acre and Riccardo Filangieri in Tyre.<sup>34</sup> Riccardo was still in office in Tyre on May 17, 1242.<sup>35</sup> Even if we assume that the letters arrived somewhat earlier, it would have taken him several days to get ready for his journey. It appears more likely, however, that they were received later, in the second half of May 1242.

Conrad's letter to Acre was discussed at a meeting of liegemen presumably convened by Balian of Ibelin, lord of Beirut, and Philip of Montfort, lord of Toron, then the leaders of the baronial opposition to Frederick II. It should be duly emphasized that Conrad's proclamation of majority was not contested in any way, although it was made before he had reached his fifteenth birthday and presumably did not conform with the custom of the Kingdom of Jerusalem. We do not know whether the liegemen recognized it as valid, which seems most unlikely, or merely pretended to do so.<sup>36</sup> At any

<sup>32</sup> None of the sources referred to in note 30 above mentions Tommaso by name, yet Philip clearly states why he was to be sent to the Levant; see also above, note 23. On Tommaso's previous stay in the Levant, see Riley-Smith, *Feudal Nobility*, 166–68, 172–73, 186, 319. For the text of the barons' letter of June 7, 1241, see R. Röhrich, "Acte de soumission des barons du royaume de Jérusalem à Frédéric II," *AOL* 1 (1881), 402–3. The barons asked for the appointment of Simon of Montfort, earl of Leicester, or someone else as his administrator in the *whole* kingdom.

<sup>33</sup> "Documents relatifs à la successibilité," 400: "Et por ce qu'il lor sembloit que il ne savoit mie bien ledit usage, le li faiseint il assaveir."

<sup>34</sup> A gloss of the first half of the thirteenth century to Adam of Bremen's chronicle mentions fourteen days and nights for the journey between Messina and Acre, obviously a direct route across the open sea with exceptionally favorable winds: Adam von Bremen, *Hamburgische Kirchengeschichte*,<sup>3</sup> ed. B. Schmeidler, MGH, *ScriptorRerGerm* (Hannover-Leipzig, 1917), 229, Schol. 99; for the dating of the gloss, see *ibid.*, xxx–xxxI, xlii. In 1248 it took Saint Louis 33 days (August 25–September 27) to sail from Aigues-Mortes to Cyprus, a longer distance: see Prawer, *Histoire*, II, 324, for the dates.

<sup>35</sup> C. Kohler, "Chartes de l'abbaye de Notre-Dame de la Vallée de Josaphat en Terre-Sainte (1108–1291)," *ROL* 7 (1899), 179, no. LXX.

<sup>36</sup> For this and what follows, see "Documents relatifs à la successibilité," 399–400, and Philippe de Novare, *Mémoires*, pars. CLIX (225)–CLXXV (226). Philip of Novara does not mention Conrad's letter and credits himself for having raised the whole issue of the latter's majority, undoubtedly another of his boastful claims. He would not have suggested majority according to Sicilian law and could have only reacted to a declaration coming from the Kingdom of Sicily. Frederick II had already based himself on foreign law on a previous occasion. In 1228 he invoked the "usage of Germany" when claiming that he was entitled to the revenues collected by John of Ibelin during his regency of Cyprus, yet John flatly refused to recognize this

rate, it offered them a legal pretext which they cleverly exploited. There was no need to wait any further—say until Conrad reached the age of fifteen—to initiate a countermove. Riccardo Filangieri's removal from office and his imminent departure, of which the barons must have been aware, created favorable conditions for action in the near future. Yet it was above all the prospect of Tommaso of Acerra's arrival in the Levant, the date of which was still unknown in Acre, that explains the urgency and timing of the barons' moves. For them it was of utmost importance to prevent Conrad's appointee from reaching Tyre with money and reinforcements and thereby strengthening the imperial contingent stationed in that city. Tommaso's arrival in Tyre would have especially endangered the barons because he was vested with authority by Conrad, the legal ruler of the Kingdom of Jerusalem. In order to forestall the possible consequences of his presence in the Levant, adequate measures had to be rapidly devised. Conrad's announcement that he was sending a representative clearly implied that he himself had no intention of coming in the near future. The barons' conviction that such was the case supplied them with a powerful legal argument.

The liegemen convened in Acre agreed on some basic principles at their first meeting. They recognized Conrad as the lawful ruler of the kingdom and vowed to safeguard his royal rights, according to custom, pending his arrival in his realm. Until then, however, they would not be bound toward him by his letters or his messengers, according to the usage of the kingdom. In practical terms this meant that in the meantime they would not recognize any representative of his. In addition, the liegemen declared that as Conrad had come of age his father had lost the baillage of the kingdom. Legally this decision conformed with a rule formulated in the *Livre au Roi*, compiled between 1197 and 1205, which stipulated that the regency lapsed as soon as the heir to the throne reached his majority. Yet the same rule also implicitly envisaged that in practice the regent would continue to rule, administer justice, and wage war, if necessary, until the king was crowned and received homage. The peace proposal sent by the barons to Frederick II in June 1241 endorsed this solution without specifying a time limit for Conrad's arrival and corona-

tion.<sup>37</sup> This may have encouraged the emperor to believe that in 1242 the barons would respond in the same way to his initiative.

The barons of the Ibelin clan, however, were no longer inclined toward the compromise they had suggested in 1241. They considered Filangieri's plot to seize Acre in October of that year a treacherous act, which once again had illustrated the danger inherent in the continuation of a Hohenstaufen presence in the Levant. Their strong reaction to Filangieri's action and the six-month-long siege of the Hospitalers' mansion in the hope of seizing him had demonstrated anew their determination to fight the emperor. Conrad's proclamation of his majority and the appointment of his representative did not deceive them. It must have been their conviction that this was merely a stratagem and that in effect the emperor would attempt to impose his rule in the kingdom as he had done in the past.<sup>38</sup> They were therefore resolved to put an end to his interference in the affairs of the kingdom, whether overtly or under the guise of Conrad's rule. By denying any authority to Conrad until his arrival in the kingdom as well as to Frederick II the liegemen purposely created a constitutional void, which they hastened to fill by electing a new regent. Following the refusal of two other candidates, the office was entrusted to Odo of Montbéliard.<sup>39</sup> In order

<sup>37</sup> *RHC, Lois*, I, 610, chap. vi. On this treatise, see lately M. Greilsammer, "Structure and Aims of the *Livre au Roi*," in *Outremer. Studies in the History of the Crusading Kingdom of Jerusalem*, Presented to Joshua Prawer, ed. B. Z. Kedar, H. E. Mayer, and R. C. Smail (Jerusalem, 1982), 218–26. The extension of the regent's effective rule is implied in his right to make grants, although these were subject to the king's approval even before his coronation: see below, 95. The peace proposal of June 7, 1241 (see above, note 32) envisaged the appointment by Frederick II of a new representative who would be in office "jusque à l'age de nostre seignor le rei Conrard, et oncore jusque à tant que nostre seignor le roi vengne en la terre, ou qu'il i enveit aucun autre de par lui qui seit au louc del devandit Simon [of Montfort]."

<sup>38</sup> This was indeed confirmed at a later stage, when after the failure of his plans Frederick II dropped all pretense and reverted to the use of the royal title and regnal years when referring to the Kingdom of Jerusalem, while Conrad continued to call himself "heir to the Kingdom" as late as February 1251, after his father's death: for these titles, see Riley-Smith, *Feudal Nobility*, 209. Their use also implied that Frederick II refused to recognize the validity of his removal from the office of regent, on which see below.

<sup>39</sup> John of Ibelin, in his "Documents relatifs à la successibilité," 400, is the only source providing information about these proceedings. It seems most unlikely that the second, somewhat puzzling reference to Eustorgue of Montaigu, archbishop of Nicosia, in whose presence the deliberations took place, should reflect a second meeting of the liegemen. All the issues mentioned above, which are tightly linked to one another, must have been raised at the same session. According to John of Ibelin, he

custom and answered that the matter should be settled according to the custom of Cyprus and in the High Court of that kingdom: *ibid.*, pars. xxvi (127)–xxvii.



to be entirely successful, however, the anti-imperialist scheme also required, after this first step, the capture of Tyre from Frederick's forces. It appears that at this point opinion in Acre was divided as to the legality of such a move, and the whole process aimed at ousting the emperor from the Levant came to a standstill. Judging by his legal scruples about Conrad's rights at a later stage of the course of events (examined below), we may safely assume that the regent, Odo of Montbéliard, was the most influential opponent of an attempt to capture Tyre by force. For both practical and legal reasons, therefore, Balian of Ibelin and Philip of Montfort considered it urgent to break the deadlock by removing him from office and replacing him with a regent more amenable to their plans and vested with more authority.

It is at this juncture that Marsilio Zorzi and Philip of Novara entered the scene.<sup>40</sup> Practical considerations induced the Venetian bailo to approach Philip of Montfort in order to impress upon him and his allies how urgent it was to act. Philip of Novara, on the other hand, supplied Balian of Ibelin and his companions with a legal stratagem that would pave the way for both the election of Alice, queen-dowager of Cyprus, as regent of the Kingdom of Jerusalem and, later, for the conquest of Tyre. The authority deriving from her position as relative and closest heir of Conrad would enable her to initiate a lawful attack on this city,<sup>41</sup> in spite of the fact that it was then ruled in the emperor's name by Lotario Filangieri, who had replaced his brother Riccardo after the latter's departure.<sup>42</sup> From Philip of Novara's account it is obvious that the anti-imperialist leaders were determined to realize their goals and

had no qualms about doing so. Their only concern was to avoid being accused of felony, a breach of the chivalric ethos. Philip, an astute lawyer familiar with constitutional issues, provided the arguments enabling them to surmount this obstacle and safeguard their honor.<sup>43</sup> Acting on behalf of Balian of Ibelin and Philip of Montfort, he entered into secret negotiations with Queen Alice and her husband, Ralph of Soissons. The procedure by which she would request the regency of the kingdom was devised, and a secret agreement was drawn up with the help of another lawyer, Philip of Baisdoin, a close adviser of Philip of Montfort; it was solemnly ratified by oath by the parties concerned.<sup>44</sup> One of its clauses stipulated that the fortresses of the kingdom were to be entrusted to Balian of Ibelin and Philip of Montfort, who would guard them until King Conrad arrived in his realm. The two barons thus curtailed in advance Alice's powers while ensuring her vital support for their own plans.

The stage was set for the removal of the acting regent, Odo of Montbéliard, and the transfer of the regency to Alice.<sup>45</sup> On June 5, 1242, Balian of Ibelin and Philip of Montfort convened the liegemen of the lordship of Acre. The master of the Templars, the consul of Genoa, the Venetian bailo Marsilio Zorzi, the confraternities of Acre, and presumably also some other burgesses were invited to attend the meeting, yet were excluded from the debate and the decision-making process. They later tacitly agreed to the verdict of the liegemen.<sup>46</sup>

<sup>43</sup> Philip said to Balian of Ibelin (*ibid.*): "je ay pencé une chose quy vous gardera de blahme . . . et vous poés tenir bone voye et honorable s'il vous plaist."

<sup>44</sup> The secrecy surrounding the negotiations is spelled out *ibid.*, end of par. CLXIX (225), as well as by Marsilio Zorzi in TTh, II, 354–55: "Dicti barones . . . ordinaverunt et operati sunt quod regina Cypri nomine Helis peteret regnum jerosolimitanum." It is implicit in the account of "Eracles," in *RHC, HOcc*, II, 420. John of Ibelin, later lord of Jaffa, the author of the "Documents relatifs à la successibilité du trône et à la régence," must have been aware of the secret agreement, yet presumably avoided mentioning it because as a rule he related only what he considered strictly lawful constitutional procedures.

<sup>45</sup> Philippe de Novare, *Mémoires*, pars. CLXXIV (226)–CLXXVI; TTh, II, 354–55; John of Ibelin in his "Documents relatifs à la successibilité," 400, seems to imply that Alice requested the throne, and not the regency, which is incorrect; "Eracles," in *RHC, HOcc*, II, 420; on this subject, see also the discussion below, 97. There is no reference to a time limit of one year for Conrad's appearance in the kingdom, as suggested by LaMonte, *Feudal Monarchy*, 93–94.

<sup>46</sup> TTh, II, 355: "qui tacendo consenserunt." The sources cited in the previous note offer incomplete and conflicting evidence about the attendance of non-nobles. It stands to reason that only those who were expected to support the baronial cause would be invited, yet Marsilio Zorzi also refers in general terms to the

as well as his cousin the lord of Caesarea refused to serve as regent. The reference to the latter is clearly due to a lapse of memory. John of Caesarea, a staunch supporter of the Ibelins, was dead by 1241. His mother, an Ibelin, widow of Walter III of Caesarea, managed in this year to get hold of the lordship of Ibelin and to transfer it into the possession of the house of Caesarea, which must not have endeared her or her relatives to Balian of Ibelin, lord of Beirut, at whose expense this was done. John's daughter Margaret, who succeeded him, married John Aleman, who was in the imperialist camp as late as May 17, 1242: see Mayer, "Ibelin *versus* Ibelin," 29, and above, note 35. For all these reasons it is impossible that he should have been offered the regency. On Odo of Montbéliard, see also below, 94.

<sup>40</sup> TTh, II, 354–55, and Philippe de Novare, *Mémoires*, pars. CLXIX (225)–CLXXIII, for what follows.

<sup>41</sup> The authority of the regents will be discussed below.

<sup>42</sup> This is perfectly conveyed by Philippe de Novare, *Mémoires*, par. CLXIX (225): "car encore crie l'on le ban de l'empereor à Sur." On Lotario replacing Riccardo, see *ibid.*, par. CLXVIII (224), and "Eracles," in *RHC, HOcc*, II, 422, On Riccardo's departure, see below.



Alice formally requested the regency of the kingdom. Philip of Novara presented her case, asserting that she was “the most lawful heir apparent claiming in court” (“le plus dreit heir aparant requerant en la court”), in other words, that she requested the baillage of the Kingdom of Jerusalem in person and should therefore be entrusted with it according to custom, as Conrad had not come to ask for his realm. Philip also added, in Alice’s name, that Conrad’s letters were not binding. The liegemen then solicited Philip’s advice. They decided that Alice should be given the custody of the kingdom pending Conrad’s arrival, yet reserved the latter’s rights. The acting regent, Odo of Montbéliard, made a last-minute attempt to postpone Alice’s formal recognition as regent, arguing that Conrad should first be informed that unless he came in person to his kingdom the regency would indeed be handed over to her. He was overruled by two Ibelins, Balian and John, later lord of Jaffa. Philip of Novara was then asked by the liegemen to announce their verdict, and Alice’s installation as regent followed immediately. From the various accounts of the proceedings it appears that the decision was rushed through the assembly. The fact that Philip of Novara had been allowed to serve in three different and conflicting capacities, presenting Alice’s request, giving legal advice to the court, and proclaiming its judgment, only serves to underscore that all the proceedings were heavily tainted by collusion.<sup>47</sup> The pressure exerted on the assembly by the leaders of the anti-imperialist movement further contributed to accelerate the pace at which the debate was conducted. The whole process since the arrival of Conrad’s letter in Acre, sometime in the second half of May, till the proclamation of Alice as regent on June 5, 1242, had barely lasted a fortnight, possibly even less.

The outcome of the liegemen’s deliberations brought the anti-imperialists substantial gains. Tommaso of Acerra was denied lawful authority;

in addition, the accession of Alice to the regency was immediately followed by the abrogation of all grants made by Frederick II as regent;<sup>48</sup> finally, Alice was now entitled to collect royal revenues and make a formal request that Tyre be delivered to her. The planning of Alice’s regency had begun in the second half of May, after the news of Riccardo Filangieri’s departure from Tyre had reached Acre and some inhabitants of this city had gotten in touch with Balian of Ibelin.<sup>49</sup> It was now imperative to prevent Conrad’s representative from establishing his base of operations in Tyre. The new regent’s party wasted no time.<sup>50</sup> After Lotario Filangieri had rejected Alice’s plea concerning Tyre, Alice’s husband Ralph of Soissons, John of Ibelin, and Philip of Montfort promptly assembled the troops and ships necessary for the conquest of that city. Philip of Novara does not fail to stress his own contribution to this enterprise. Alice appointed him royal bailli in charge of collecting royal revenues and recruiting for her the mercenaries and ships she contributed to the military operations. Within three days Philip managed to complete his assignment, also buying a ship from some royal subjects and fully equipping it. This brings us to June 8, 1242. The Genoese and Venetians also contributed their share. According to Marsilio Zorzi, Queen Alice asked him to equip at her expense a galley in which she intended to sail to Tyre. He proudly replied that “it is not customary that the Doge and the Commune of Venice should offer service to any friend at his expense, but only at their [own] expense.” This seemingly generous offer was calculated to ensure Alice’s goodwill once the military operations had come to a successful end. In return Marsilio requested and obtained a formal engagement by oath from Alice, her husband Ralph of Soissons, Balian of Ibelin, and Philip of Montfort that they would restore and help to restore to Venice her lost property and income in Tyre, its countryside, and elsewhere in the kingdom; in addition, that Venice’s *privilegium* would be upheld, an obvious reference to the charter granted by King Baldwin II to Venice in 1125, and not to the fa-

military orders, thus including the Teutonic Knights, staunch supporters of Frederick II, and Philip of Novara mentions the Pisans, similarly on the imperial side. Prawer, *Histoire*, II, 301, suggests that they had no choice but to attend, yet could not voice their opposition to Alice. This is indeed possible with regard to Pisa, who in 1242 or 1243 was compelled to hand over its two towers to the *dominus* of Acre: see D. Jacoby, “Crusader Acre in the Thirteenth Century: Urban Layout and Topography,” *SM* 3rd ser., 20 (1979), 25. On the confraternities and burgesses, see below, 97 f.

<sup>47</sup>This anomalous situation became the subject of a joke which amused Philip and which he reported: Philippe de Novare, *Mémoires*, par. CLXXVI (226).

<sup>48</sup>“Documents relatifs à la successibilité,” 400. This interpretation will be justified below.

<sup>49</sup>Philippe de Novare, *Mémoires*, par. CLXVIII (224), correctly describes the sequence of events. See also below.

<sup>50</sup>For what follows, see *ibid.*, pars. CLXXVII (227)–CLXXXI, and for Alice’s request for Tyre, pars. CLXXI (225) and CLXXVII (227); TTh, II, 355–56, for the precise chronology; “Eracles,” in *RHC*, *HOcc*, 422; and “Documents relatifs à la successibilité,” 400–401.

mous *Pactum Warmundi* as generally assumed.<sup>51</sup> When the armed forces began to move toward Tyre by land and sea, during the night of June 8–9, they were joined by a contingent of thirty heavily armed horsemen led by Marsilio. This was the bailo's second contribution to the war effort. The following day the anti-imperialist forces faced the walls of Tyre. Three days later, on June 12, some of them managed to infiltrate the city through a postern while the ships entered the harbor. This combined operation had been planned in conjunction with four local inhabitants who, according to Philip of Novara, had previously contacted Balian of Ibelin, as already mentioned. Philip does not specify who they were, while Marsilio Zorzi credits Venetian subjects living in Tyre with the decisive help extended to the attacking forces.<sup>52</sup> When the latter spread within the city, the local population rose in arms and attacked the imperial troops, who sought refuge in the royal castle of Tyre. The city itself was captured on the same day.

The swift success of Alice's forces in capturing the city of Tyre on June 12, 1242, deprived Conrad's representative Tommaso of Acerra of a harbor in which he could safely land and come to the help of Lotario Filangieri, then besieged with his forces in the castle of Tyre. Tommaso is attested in the following years in the County of Tripoli, issuing charters as bailli of the Kingdom of Jerusalem which he never entered.<sup>53</sup> Riccardo Filangieri returned to Tyre from an unsuccessful sea voyage that must have lasted around twenty days,<sup>54</sup> unaware

that the city had fallen into the hands of the anti-imperialists. His arrival took place while the castle was surrounded, that is, between June 12 and July 10. He was immediately seized, together with his relatives, men, and belongings. The barons threatened to hang him in order to force his brother Lotario to surrender, which the latter did on July 10 after a siege of twenty-eight days. Philip of Novara negotiated and drafted the terms of his capitulation, according to which an Ibelin would guarantee the safe retreat of the imperial troops. The most likely candidate for this task was John of Ibelin, lord of Arsur.<sup>55</sup> At various occasions he had sided with the imperialists and in 1241 had attempted without success to mediate between Frederick II and the baronial party.<sup>56</sup> The proclamation of Alice as regent and the imminent attack on Tyre in early June 1242 convinced him that the situation of the imperial contingent was hopeless, and he therefore joined, halfheartedly one may assume, the baronial forces marching on that city.<sup>57</sup> Lotario Filangieri must have nevertheless trusted him more than any other Ibelin, in view of his political stance in the past and their personal acquaintance.<sup>58</sup> John of Arsur accompanied the imperial troops until they sailed for Apulia. Upon their arrival there Riccardo Filangieri, one of his brothers, and a nephew were imprisoned by Frederick II, who was furious at the failure of his forces. About two months later, in September 1242, Count Raymond VII of Toulouse intervened on their behalf with the emperor and obtained their release. Lotario Filangieri escaped the fate of his brother by leaving Tyre for

<sup>51</sup> For these texts, see TTh, I, 90–94 and 84–89 respectively. The *privilegium* is also mentioned twice in a later section of Marsilio's report, *ibid.*, 397–98, once with regard to the *terciaria*, a tax on the pilgrim traffic, in terms that are in accordance with the clause of 1125, yet markedly differ from those of 1123, which proves that Marsilio had the former charter in mind.

<sup>52</sup> TTh, II, 356: "et hoc occasione nostrorum Venetorum qui ibi sunt burgenses." The use of *burgenses* for residents, without any legal connotation, was common in the eastern Mediterranean since the twelfth century; it was presumably initiated by the western maritime powers active in this area: see Jacoby, "Expansion occidentale," 232, 237, 256 notes 30 and 31, and 258 notes 59 and 60; J. Prawer, *Crusader Institutions* (Oxford, 1980), 335. Marsilio may well refer to Venetian subjects such as Syrians or Jews who remained in Tyre despite the absence of any official Venetian presence in this city: see TTh, II, 358–59.

<sup>53</sup> See Riley-Smith, *Feudal Nobility*, 210.

<sup>54</sup> After sailing for nine days on his way to Italy, he abandoned his badly leaking ship opposite the Libyan coast, in the area of Tripoli, and transferred with his companions to a Muslim vessel on its way from Tunisia to Egypt, which he leased from its owner. He then resumed his journey to Italy, encountered a heavy storm that pushed him back for several days, and finally decided to return to Tyre, which may have taken him at least a week. In all he must have been sailing for about twenty

days, if not longer: Philippe de Novare, *Mémoires*, pars. CLXVIII (224) and CLXXXII (228)–CLXXXIII; "Eracles," in *RHC, HOcc*, II, 422, 426.

<sup>55</sup> Philippe de Novare, *Mémoires*, pars. CLXXXIII (228)–CLXXXIX (229), mentions John of Ibelin without specifying whether he refers to the future lord of Jaffa or to the lord of Arsur, yet see below the arguments in favor of the latter. See also TTh, II, 356–57.

<sup>56</sup> See Mayer, "Ibelin versus Ibelin," 31–33, and *idem*, "John of Jaffa," 135–36.

<sup>57</sup> "Documents relatifs à la successibilité," 400.

<sup>58</sup> They had last met when John of Arsur stayed in Tyre in October 1241 around the time Riccardo Filangieri made his secret trip to Acre: see above, 86. The reference to Tyre is in Philippe de Novare, *Mémoires*, par. CLXI (221), where John of Arsur is called John of Foggia. The correction of Sur (Tyre) to Arsur in Philip's text suggested by Kohler is unfounded but not for the reasons adduced by Mayer, "Ibelin versus Ibelin," 33 note 54, and *idem*, "John of Jaffa," 136–37. It is irrelevant whether Philip of Novara or the compiler of the *Gestes* mentioned that John of Arsur began to fortify Arsur in 1241 (*Gestes*, par. 220) and was in Tyre in the same year. There is no reason why he could not have done both.

Antioch, where he was well received by Prince Bohemund V who secured him an advantageous marriage.<sup>59</sup>

Within less than two months, between the second half of May and July 10, 1242, the dramatic sequence of events we have just reconstructed decisively altered the balance of power in the Kingdom of Jerusalem. Frederick II still had powerful supporters, such as the Hospitalers, who asked him and Conrad to issue charters in their favor, the Teutonic Order, or Pisa, and the presence of Tommaso of Acerra in the County of Tripoli still worried Pope Innocent IV as late as 1248.<sup>60</sup> Yet by gaining the upper hand the barons not only eliminated once and for all active imperial intervention in the affairs of the kingdom, but also put an end to the political and territorial division that had plagued its life for about a decade.

The leaders of the baronial party were the only ones to reap immediately the fruits of this momentous success. Balian of Ibelin, lord of Beirut, was a powerful figure, the undisputed head of the Ibelin clan at the time of the events of 1241–42. He was the heir of the prestigious John of Ibelin of Beirut, yet also owed his position to the fact that his father had made him the tenant-in-chief of the whole family's fiefs. Philip of Montfort, lord of Toron, was half an Ibelin and a close ally of Balian.<sup>61</sup> Both handled the issue of Tyre in bad faith. The secret agreement they had concluded with Alice called for them to keep the custody of the royal castles. Yet when Alice's husband, Ralph of Soissons, requested the delivery of the city of Tyre on her behalf and in his own name, the two barons flatly refused, claiming that they would "keep [the city] until they knew to whom it should be handed over." This was a gross encroachment on the regent's authority. Feeling powerless Ralph left his wife as well as the kingdom and returned to his estate in France. Balian took for himself the lion's share of the spoils. He had the liegemen approve his custody of the very lucrative city and lordship of Tyre, while Philip shared the custody of the castle of Acre with Nicholas Antiaume, a lawyer of repute who had risen to knighthood.<sup>62</sup>

Marsilio Zorzi initially fared no better than Ralph of Soissons.<sup>63</sup> When Queen Alice arrived in Tyre Marsilio immediately requested her, Balian of Ibelin, and Philip of Montfort to fulfill their promise to return Venetian property and income. Their answer, suggested by the two barons, was not only disappointing but in a sense humiliating. They used dilatory tactics, first asking him to wait until they returned to Acre and submitted the case to the "men of the kingdom" in order to ensure thereby the recovery of Venetian assets and interests.<sup>64</sup> In Acre, however, they retracted their promise after long negotiations, claiming that infringements of Venetian rights and privileges made by previous regents would be corrected, yet those made in the past by kings could not, "because this queen [Alice] is not legitimately in [possession of] the kingdom, but King Conrad [is]." Thereupon Marsilio hastened to reply, but to no avail, that Venice's interests had been curtailed by regents.<sup>65</sup> The barons did not budge from their position. Legal matters were not really at stake, and the reference to Conrad was obviously an excuse for evading their obligations. They were determined to retain Venetian property and income. Queen Alice was anyhow powerless to respond on her own to Marsilio's requests, as neither Tyre and its rural area nor Acre, where most Venetian interests lay, were in her hands. Balian of Ibelin firmly held Tyre,<sup>66</sup> where immediately after the conquest he had taken hold of a house situated in the former Venetian quarter of the city. This house had originally belonged to the fief of the Venetian Rolando Contarini,<sup>67</sup> a fief that for many years had almost entirely been under royal jurisdiction and that Marsilio wanted to recover. Once Marsilio realized that nothing could be expected from Alice, he had to find a way to deal

It is only later, in 1246, that Henry I of Cyprus, the new regent of the Kingdom of Jerusalem, assigned Tyre to Philip of Montfort, while Balian was given the custody of the castle of Acre as well as an important fief, presumably as compensation for his loss of Tyre: see Riley-Smith, *Feudal Nobility*, 215. On Nicholas Antiaume, see *ibid.*, 124, and Prawer, *Crusader Institutions*, 289–90.

<sup>59</sup> TTh, II, 357, for what follows.

<sup>64</sup> *Homines regni* presumably refers to the liegemen of the kingdom, i.e., the High Court. See below, note 120.

<sup>65</sup> He later discovered that mainly kings were to blame: see above, note 21.

<sup>66</sup> TTh, II, 358: "dominus Beriti qui habet dominationem terre Tyri pro duabus partibus." The reference to the two-thirds is an allusion to royal rights in the city of Tyre, the other third having been bestowed upon Venice in 1124 soon after its conquest. Yet in July 1242 the whole of Tyre was in Balian's hands.

<sup>67</sup> *Ibid.*, 379, 387.

<sup>59</sup> *Gestes*, pars. 230–31, 233–34; for the dating, see above, 86.

<sup>60</sup> See Riley-Smith, *Feudal Nobility*, 213–14; Mayer, "John of Jaffa," 150–51.

<sup>61</sup> See Mayer, "Ibelin versus Ibelin," 28–29; about Tyre, see below.

<sup>62</sup> *Gestes*, par. 232; "Eracles," in *RHC, HOcc*, II, 422–23; "Documents relatifs à la successibilité," 401; see also below, note 66.

with Balian, whether directly or indirectly, in matters pertaining to Tyre and its lordship.<sup>68</sup>

Beyond its immediate, tangible results the victory of the baronial party in July 1242 had long-lasting effects on the political and constitutional development of the Kingdom of Jerusalem. The unique circumstances of 1242 raised anew the complex issue of the regency, which on various occasions in the past and most recently since 1228 had divided the ranks of the nobility and generated severe political crises. It will be remembered that the process set in motion by Conrad's announcement of his majority developed in two consecutive stages: Odo of Montbéliard was elected as regent at the first meeting of the liegemen assembled in Acre, Queen Alice at the second.<sup>69</sup> The two meetings took place in quick succession, and within a matter of days Odo was ousted from office, a move dictated by political expediency, as already emphasized above. This raises the question why, in the first place, Odo of Montbéliard had been elected if it took the leaders of the baronial movement only a short time to discover that he would not fulfill their expectations. The answer is to be found in the nature of the respective regencies of Odo and Queen Alice.

Odo was a man with a distinguished career. Constable of the kingdom from 1220 to 1244,<sup>70</sup> he had held on various occasions the office of bailli of the kingdom, in 1222–25 for King John of Brienne who served as regent for his daughter Isabella II, and in 1225–26 for the latter and her husband the king-consort Frederick II.<sup>71</sup> Presumably in May 1228 Odo of Montbéliard and Balian of Ibelin, lord of Sidon, were jointly appointed as regents by the High Court after it became known in Acre that Queen Isabella II had died and Conrad had become king. In September the two baillis surrendered the baillage to Frederick II after the latter's recognition as regent in Acre.<sup>72</sup> In October 1231 Odo appears with the joint title of *constabularius et*

*bajulus regni*.<sup>73</sup> John of Ibelin later claimed that Odo virtually remained bailli of the kingdom ("sur le fait de la seignorie") until Conrad came of age, yet he is not to be trusted. He presents an intentionally distorted picture of the facts, proven by the absence of any reference in this context to Riccardo Filangieri, appointed bailli of the kingdom by Frederick II, the latter acting in his capacity as regent for Conrad.<sup>74</sup> It appears, however, that Odo and Balian of Ibelin, lord of Sidon, until the latter's death in 1239, were jointly recognized since an unknown date as baillis in Acre only,<sup>75</sup> more precisely as "lieutenants of the bailli at Acre," a title mentioned by Philip of Novara, a most reliable source in this respect, in connection with the events of 1241.<sup>76</sup> This title, incidentally, implies the recognition of Riccardo as lawful bailli of the kingdom by the baronial party.<sup>77</sup> The election of Odo as bailli at the first meeting of the liegemen held in late May 1242 was therefore neither a prolongation, a reconfirmation, nor an extension of his previous office. It was a new appointment, made necessary and possible, both legally and technically, by Conrad's announcement of his majority. There must have been weighty reasons explaining why Odo of Montbéliard was not the first choice of the barons, in spite of his vast experience and his family ties with the Ibelins. One of these reasons may have been that he disagreed with the liegemen's decision that the appointment of Tommaso of Acerra was not binding until Conrad himself came to the kingdom. At any rate it seems that he regarded his own tenure of office as restricted in time until Tommaso's or, at best, Conrad's arrival in the Holy Land, and similar in nature to the office he had held in 1228 for a few months until Frederick II reached Acre.<sup>78</sup> His attitude is well illustrated at a later stage of these developments, when he sug-

<sup>73</sup> *Cartulaire général de l'Ordre des Hospitaliers de Saint-Jean de Jérusalem (1110–1310)*, ed. J. Delaville le Roulx (Paris, 1894–1906), II, 462–63, no. 2067.

<sup>74</sup> "Documents relatifs à la successibilité," 399, and see Riley-Smith, *Feudal Nobility*, 180. We shall see below that this is not the only instance in which John presents a deceitful description of events in accordance with his political views.

<sup>75</sup> See Riley-Smith, *Feudal Nobility*, 180–202. This hypothesis is enhanced by Frederick's attempt in 1233 to appoint Philip of Maugastel as bailli of Acre while leaving Riccardo Filangieri as bailli in Tyre: Philippe de Novare, *Mémoires*, par. CXLVI (205). John of Ibelin in his "Documents relatifs à la successibilité," 399, again presents a deceitful picture implying that Frederick II wanted Philip of Maugastel to replace Riccardo Filangieri.

<sup>76</sup> Philippe de Novare, *Mémoires*, par. CLX (221): "et estoit en leu de baill à Acre."

<sup>77</sup> As already suggested for other reasons by Riley-Smith, *Feudal Nobility*, 175–76, 179–80.

<sup>78</sup> See above.

<sup>68</sup> See above, note 21.

<sup>69</sup> For all the events of 1242 mentioned henceforth, see the reconstruction suggested above.

<sup>70</sup> E. Strehlke, *Tabulae ordinis theutonici* (Berlin, 1869), 43–44, no. LIII, and "Ex annalibus melrosensibus," MGH, SS, xxvii, 441, in a letter of Pope Innocent IV of September 21, 1244.

<sup>71</sup> "Eracles," in *RHC, HOcc*, II, 359: "demora Ode de Montbeliart bailli de la terre en luec del empereor, si come il avoit esté en luec dou roi Johan." See Riley-Smith, *Feudal Nobility*, 319, and Index, s.v. Odo of Montbéliard, for many of his appointments as bailli, yet see below for some additional evidence and different interpretations. The sources at times offer contradictory testimonies.

<sup>72</sup> "Documents relatifs à la successibilité," 399.

gested that Conrad should be given time to come to take possession of his realm before Queen Alice became formally recognized as regent. In this context it is clear that as a vassal elected by his peers he considered the powers he exercised as limited in scope and essentially aimed at presiding temporarily over the administration of the kingdom, without taking any innovative steps. It is not surprising, therefore, that he should have refused to initiate an attack on Tyre. Odo's attitude was basically traditional and conservative, in fact too conservative for the leaders of the baronial movement who had clearly miscalculated the results they could achieve with a vassal-regent in power. The candidacy of Queen Alice for the post of regent appeared therefore as the solution to their problems.

Alice was the great-aunt of Conrad, a close relative of the king and therefore a potential heir to the throne.<sup>79</sup> As such she was expected to wield more authority. There was no precedent, however, on which to rely: indeed, never before had there been in the Kingdom of Jerusalem a regent who was the relative of an uncrowned absentee king having attained majority. Nor was authority granted to Alice by the High Court. Her powers were shaped by urgent political requirements on the basis of custom and in strict accordance with the interests of the leaders of the baronial movement. They were expressed in legal definitions as well as in the exercise of authority. Philip of Novara, who provided to a large extent the legal basis for Alice's accession to the regency, emphasized her seigniorial rights by using a series of significant formulas. Contrary to Odo of Montbéliard, a lieutenant in charge of the affairs of the lordship ("sur le fait de la seigneurie"),<sup>80</sup> Alice is said by Philip to have convincing arguments to enter "into the lordship," being "the most lawful heir apparent to have and to hold the lordship of the Kingdom of Jerusalem," and was indeed "put in seisin of the Kingdom of Jerusalem" ("la reine sera en la seigneurie," "estoit la plus droite heir aparant à avoir et à tenir la seigneurie dou royaume de Jerusalem," "fu mise . . . en la saisine dou royaume de Jerusalem").<sup>81</sup> These formulas, devised by the lawyers of

the baronial party surrounding Alice, convey the similarity between the powers they ascribed to her and those of a lawful king or queen. Similar formulas were used by Henry I of Cyprus in 1246 and Hugh III of Cyprus in 1268, both regents who also were close relatives of uncrowned kings having attained majority.<sup>82</sup> These powers seem to imply a strengthening of the regent's status at the expense of the barons, thus in 1242 apparently contrary to the latter's political aims. Yet what really mattered was the practical enforcement of seigniorial rights, which reveals the technique used by the baronial lawyers to enhance the regent's powers when it suited the interests of the baronial party, while restricting them whenever they deemed it necessary.

The first and most urgent field in which Alice had to apply her authority was related to grants and appointments made by Frederick II during his term of regency. She addressed the issue immediately after her formal investiture, which is not surprising because she as well as the barons, especially the Ibelins, wanted to get rid of all grants, assignments of revenue, and governmental appointments, in short, of all measures enacted since 1228 that were detrimental to their interests. The legal basis for action was found in the *Livre au Roi*, compiled between 1197 and 1205. According to this treatise, the acts of a father exercising the regency for his son who is a minor remain in force when the son attains majority, provided that the grants were witnessed by the liegemen of the High Court; yet no grant of the father is valid if made since the son came of age, even before the latter is crowned and receives the homage of his vassals, unless the son confirms them by his seal.<sup>83</sup> In other words, these acts lapsed by default. The baronial interpretation turned this passive clause into an active one and considerably expanded its range. Alice's status was that of regent succeeding another regent, namely, Frederick II, and not that of a king who had come of age. Yet, obviously at the instigation of the lawyers of the baronial movement, she was not content to deny confirmation to acts issued by Frederick II *after*, but also *before*, Conrad had come of age; moreover, she did not let these acts lapse

<sup>79</sup>She had already unsuccessfully claimed the kingdom in 1229: see below, 97, and the ambiguous phrasing of John of Ibelin mentioned above, note 45.

<sup>80</sup>"Documents relatifs à la successibilité," 399–400. The translation of this expression suggested by Riley-Smith, *Feudal Nobility*, 190, does not convey its precise meaning.

<sup>81</sup>Philippe de Novare, *Mémoires*, pars. CLXXI (225), CLXXIV (226), CLXXVI (226).

<sup>82</sup>See Riley-Smith, *Feudal Nobility*, 188.

<sup>83</sup>*RHC, Lois*, I, 610, chap. vi. The Hospitalers obviously had this rule in mind when they asked for grants in 1243 and 1244; they presumably speculated that they would thus enhance their rights should Hohenstaufen authority be restored in the Kingdom of Jerusalem. For the particular way in which the rule was applied, see H. E. Mayer, "Das Siegelwesen in den Kreuzfahrerstaaten," *AbhMunch, Philos.-hist.Kl.*, N.F., Heft 83 (Munich, 1978), 86–87.

but explicitly rescinded them and removed from office Frederick's appointees, among them the seneschal Raymond of Gibelet.<sup>84</sup> The urgency of this last measure is not surprising: the seneschal had wide powers over royal revenues and fortresses, as well as important judicial functions; he also convened and presided over the High Court in the absence of the regent.<sup>85</sup> We do not know when Raymond of Gibelet assumed the seneschalship,<sup>86</sup> yet it should be remembered that the liegemen proclaimed that Conrad's letters were not binding as long as he would not come to his kingdom, and they refused therefore to accept the appointment of Tommaso of Acerra. Under these circumstances Raymond of Gibelet could not have entered his office in the fortnight or so between the arrival of Conrad's letters in Acre and Alice's proclamation as regent. This is even more unlikely in view of the new policy initiated by Frederick II in the spring of 1242 with regard to the Kingdom of Jerusalem: not to rule directly through his own appointees but through those of Conrad, as illustrated by the replacement of Riccardo Filangieri by Tommaso of Acerra. It should be noted that Alice's response to Marsilio Zorzi's requests for redress was consistent with the legal premises that justified her repeal of the acts issued by Frederick II as regent: wrongs done by previous regents could be corrected but not those of previous kings.<sup>87</sup> This restriction must have been related to the promise made by Alice to the vassals at the ceremony of investiture to maintain all the charters of previous kings.<sup>88</sup> Yet when it came to the application of her right to the revocation of the regent's charters, she acted promptly only as far as the barons' interests would allow, but was prevented by Balian of Ibelin and Philip of Montfort from taking any steps in favor of Venice, assuming she would have wished to do so. Alice's repeal of the previous regent's acts established an important precedent, and from 1249 to 1261 we find a series of charters that include

clauses covering the possibility of refusal by a future king, and in one case by a future bailli, to recognize grants of lands within the royal domain during a regency.<sup>89</sup>

The decisive role of the barons' interests in the exercise of the regent's seignorial rights in 1242 is further illustrated in two other fields: the enjoyment of royal revenues and the control of royal fortresses. We have seen that immediately after Alice's investiture as regent she ordered Philip of Novara to collect royal revenues in order to finance her share of the war effort against Tyre. This was clearly to the barons' advantage, and they therefore must have encouraged this move.<sup>90</sup> When it came to the issue of the fortresses, however, their attitude was entirely different. John of Ibelin-Jaffa mentions a rule prescribing that during a regency for a minor or an absentee king the royal fortresses should be in the custody of the liegemen of the High Court until delivered to the lawful ruler upon his arrival in the kingdom,<sup>91</sup> and modern historians have followed him in this matter. Yet the very fact that the custody of the royal fortresses was the subject of a secret agreement concluded by Queen Alice and her husband, Ralph of Soissons, with Balian of Ibelin and Philip of Montfort casts serious doubts upon the existence of such a rule prior to 1242, all the more so because there was no precedent for the custody of royal fortresses by barons. In 1184 or 1185 it was Raymond III, count of Tripoli, himself who suggested that while he served as bailli for Baldwin V, a minor, the Hospitallers and Templars should have the custody of the royal fortresses, a proposal that was approved by Baldwin IV and the barons.<sup>92</sup> This original arrangement considerably differed from the one devised in 1242. More recently, upon his arrival in the Levant in 1231, Riccardo Filangieri had taken hold of Tyre. The city and its castle, which were part of the royal domain, were transferred to him by Balian of Sidon on the orders of Frederick II.<sup>93</sup> It appears therefore that the dispositions imple-

<sup>84</sup> "Documents relatifs à la successibilité," 400, specifically refers to grants made by Frederick II.

<sup>85</sup> "Livre de Jean d'Ibelin," in *RHC, Lois*, I, 408–9, chap. CCLVI; "Documents relatifs à la successibilité," 419, chap. XVIII.

<sup>86</sup> I have not found any primary sources enabling his identification or supporting the dating of his appointment suggested by various modern historians.

<sup>87</sup> See above, 93. It may well be, however, that Alice referred to the previous regent only, i.e., Riccardo Filangieri, while Marsilio misunderstood or misquoted her by mentioning regents in the plural.

<sup>88</sup> "Livre de Jean d'Ibelin," in *RHC, Lois*, I, 312, chap. CXCIV, and see Riley-Smith, *Feudal Nobility*, 187. It is noteworthy that previous regents are not mentioned in this context.

<sup>89</sup> See Riley-Smith, *Feudal Nobility*, 188.

<sup>90</sup> In 1268 Hugh of Antioch-Lusignan, after being confirmed as regent for the absentee Conradin, was granted royal rents and services by the High Court: see Riley-Smith, *ibid.*, 220.

<sup>91</sup> "Documents relatifs à la successibilité," 400–401, and "Livre de Jean d'Ibelin," in *RHC, Lois*, I, 312, chap. CXCIV. For the dating of these two treatises in 1258–59 and 1265–66 respectively, see M. Grandclaude, *Etude critique sur les Livres des Assises de Jérusalem* (Paris, 1923), 86–87 and 88.

<sup>92</sup> "Eracles," in *RHC, HOcc*, II, 6–7.

<sup>93</sup> *Ibid.*, 388, and especially Philippe de Novare, *Mémoires*, par. xc (163). See also LaMonte, *Wars of Frederick II*, 130 note 3, who solves the apparent contradiction of the two sources.

mented in accordance with the secret agreement concluded before Alice's election in late May or early June 1242 and with the backing of the liegemen were blatant innovations suiting the interests of the two leading barons. Once enforced they established a precedent, later recorded in 1258–59 and again in 1265–66 by John of Ibelin-Jaffa as an authoritative rule. In order to enhance his statement that a regent should not hold the fortresses of the absentee ruler, John also cited the hardly relevant case of Geoffrey of Villehardouin, who gained control of the Morea in 1209 by using his position as regent to prevent the lawful heirs of William of Champlitte from succeeding the latter.<sup>94</sup>

The skillful use or suppression of legal rules and precedents by the lawyers of the baronial party is illustrated in yet another instance. Queen Alice had already appeared before the High Court in the autumn of 1229, when she requested the throne by claiming that she was the most lawful heir after Conrad, whose rights had lapsed presumably because he had not come to his kingdom within a year and a day of his mother's death. The members of the High Court rejected Alice's claim, replying that they recognized Conrad as their lawful king and Frederick II as regent for him. Nevertheless, they asked the emperor to send Conrad out within a year and a day,<sup>95</sup> implicitly acknowledging thereby the validity of the time-limit clause in matters of inheritance and seisin of the kingdom. In 1229 the High Court rejected Alice's claim, although it seems to have rested precisely on this clause; in 1230 no action was taken when Conrad failed to appear after the time limit set the previous year for his coming had elapsed. In 1242, however, the liegemen assembled in Acre overlooked the time-limit clause and elected Alice regent without delay because it suited their immediate political and military goals. Nor did Odo of Montbéliard invoke the year-and-a-day limit when he attempted to postpone Alice's investiture as regent. In the tense atmosphere prevailing then in Acre such an argument had no chance whatsoever of carrying weight. It follows that the enforcement of this legal clause was selective and strictly adapted to the barons' aims. For the lawyers of the Kingdom of Jerusalem, custom and law were not mere abstract rules.

<sup>94</sup> See above, note 91. On the Moreot episode, see J. Longnon, *L'empire latin de Constantinople et la principauté de Morée* (Paris, 1949), 113–15, who errs, however, about the events in the Levant; on its transmission to the Kingdom of Jerusalem, see D. Jacoby, *La féodalité en Grèce médiévale. Les "Assises de Romanie": Sources, application et diffusion* (Paris-The Hague, 1971), 39–40.

<sup>95</sup> See Riley-Smith, *Feudal Nobility*, 174–75.

The year 1242 witnessed the revival of the High Court, an institution that had lain dormant for almost a decade. Late in 1231 the Commune of Acre was established after Riccardo Filangieri had attempted to dispossess John of Ibelin of his fief of Beirut. The fate of the two institutions was closely connected.<sup>96</sup> The Commune of Acre grew out of the confraternity of St. Andrew, a chartered charitable institution whose members were bound by a mutual oath to sustain each other, presumably also by force of arms if necessary.<sup>97</sup> The choice of this confraternity by the barons and knights seems to have been motivated by several factors.<sup>98</sup> It was a Latin confraternity, as hinted by its seal,<sup>99</sup> open to

<sup>96</sup> For what follows, see Prawer, *Crusader Institutions*, 54–67; Riley-Smith, *Feudal Nobility*, 175–84, 198–208; yet my presentation below differs from theirs on several important points. H. Mayer, "Zwei Kommunen in Akkon?" *DA* 26 (1970), 434–53, rpr. in his *Kreuzzug und lateinischer Osten* (London, 1983), XIV, has suggested that a commune existed in Acre before 1225 and as early as 1198. His argumentation for this last date rests mainly on a reference to *communio*, by which, however, *foreign* communes were meant. Such was also the case in the Morea, where a clause of the *Livre au Roi* from the Kingdom of Jerusalem mentioning the *coumune* was incorporated in the Assizes of Romania: see Jacoby, *Féodalité en Grèce médiévale*, 43. A charter issued in 1198 by King Amalric II stipulated that nonfeudal property he granted should not be alienated "to a commune, the Church or houses of religion," i.e., religious orders: for the relevant text, see Mayer, *ibid.*, 446. The king obviously wanted to prevent these privileged bodies from extending their jurisdiction over this property, situated *outside* the quarters of the various communes then existing in Acre. In a similar sense, see *Livre des Assises de la Cour des Bourgeois*, chap. xxiv, and *Abrégé du Livre des Assises de la Cour des Bourgeois*, chap. xxxiii: *RHC*, *Lois*, II, 254–55, 263. For the reference to 1225, see below, note 103.

<sup>97</sup> As that of the Holy Spirit in Acre, on which see note 98 below.

<sup>98</sup> On the confraternities in the kingdom, see J. Richard, *The Latin Kingdom of Jerusalem*, trans. J. Shirley (Amsterdam, 1979), 283–85, and *idem*, "La confrérie des Mosserins d'Acre et les marchands de Mossoul au XIII<sup>e</sup> siècle," *OS* 11 (1966), 451–60, rpr. in his *Orient et Occident au Moyen-Age: Contacts et relations (XII<sup>e</sup>–XV<sup>e</sup>s.)* (London, 1976), XI. But on this subject see also below, note 112; J. Riley-Smith, "A Note on Confraternities in the Latin Kingdom of Jerusalem," *BIHR* 44 (1971), 301–8; *idem*, "The Assise sur la Ligece and the Commune of Acre," *Trad* 27 (1971), 179–204; and above, note 96. It is noteworthy that women could also be members of a confraternity, yet it is not clear whether directly or only as dependents of males. For evidence, see "Livre de Jean d'Ibelin," in *RHC*, *Lois*, I, 131, chap. lxxxii: "Toz ciaux et totes celles qui sont de la frairie del murtri ou de la murtrie. . . ."

<sup>99</sup> This seal, published by G. Schlumberger, "Neuf sceaux de l'Orient latin," *ROL* 2 (1894), 177–78, pl. I:1, has been discussed by Prawer, *Crusader Institutions*, 61. St. Peter's depiction next to that of St. Andrew seems to me an obvious reference to the papacy, intended to stress the Latin character of the confraternity and distinguish it from similar bodies whose members belonged to Eastern churches. Judging by their general attitude toward the Syrians, it is most unlikely that in 1231 the barons and knights would have joined such confraternities or others with a mixed membership.



freemen residing in the kingdom and not restricted to members hailing from the same geographical area or speaking the same language. Moreover, it accepted new members regardless of their sociolegal status, which paved the way for the cooperation within its framework of nobles and burgesses who, it seems, were overwhelmingly native Franks.<sup>100</sup> Finally, it had an independent status, lacking any ties to a foreign commune, a military order, or an Eastern church.<sup>101</sup> Although the nobles joined the confraternity as individuals, they apparently maintained their separate class identity by having their own representatives, the *maiores consules*, within the governing body of the association.<sup>102</sup> Their dominant role is illustrated by the election of a baron as mayor of the expanded confraternity.<sup>103</sup> The anti-imperialist barons and their supporters turned the latter into a political and military association contending that it represented the whole community of the Kingdom of Jerusalem; in fact it mainly served their own interests. For the noblemen the confraternity constituted an alternative body, outside the framework of the traditional political institutions, especially the High Court, enabling them to associate freely and to resist the policies of Frederick II while enjoying the support of the burgesses of Acre. For eleven years or so, from 1231 to 1242, the deep division within the ranks of the nobility paralyzed the High Court, in which neither Riccardo Filangieri nor the anti-

imperialists were sure to gain the upper hand within a general assembly.<sup>104</sup>

Circumstances changed drastically in May 1242, however, when Conrad announced that he had come of age and a decision about the regency had to be reached. This could not have been done within the Commune of Acre, a voluntary sworn association devoid of a constitutional role and lacking any governmental or administrative functions. The only institution offering a lawful framework and a customary procedure for this purpose was the High Court. When Balian of Ibelin and Philip of Montfort convened the second meeting in Acre they did so in a way that would ensure the success of their plans. Full attendance of all the liegemen of the kingdom was neither expected nor desired by these barons. According to Philip of Novara, they significantly restricted the convocation to "all the liegemen of the lordship Acre," thus to those who held fiefs in that city and its lordship, among them many greater lords supporting the baronial cause.<sup>105</sup> On the other hand, the liegemen of Tyre, among whom Riccardo Filangieri may have had a sizable group of supporters, those of Jerusalem and Caesarea,<sup>106</sup> as well as visiting Crusaders were excluded.<sup>107</sup> The haste with which the first gathering was convened, as well as the pressure Riccardo would have exerted on the liegemen of Tyre and its vicinity, would anyhow have prevented the latter's participation, and it was even more unlikely that they would have been able, for the same reasons, to attend the second meeting of the liegemen on June 5, 1242, after the removal of Riccardo and the proclamation of Odo of Montbéliard as regent. Nevertheless, the

<sup>100</sup> As suggested by the fact that in 1233 John of Ibelin, lord of Beirut, was reconfirmed as mayor of the commune after receiving the oaths of the Poulains, a term applied to the indigenous Franks regardless of their social standing, as opposed to Westerners: Philippe de Novare, *Mémoires*, par. CXLIX (206). On the Poulains, see M. R. Morgan, *The Chronicle of Ernoul and the Continuations of William of Tyre* (Oxford, 1973), 194–95.

<sup>101</sup> For examples of such ties, see above, note 98.

<sup>102</sup> As in various Italian cities; for this suggestion, see Riley-Smith, "The Assise sur la Ligece," 196 note 84.

<sup>103</sup> John of Ibelin, lord of Beirut, was elected mayor in 1231 and reconfirmed in 1233: Philippe de Novare, *Mémoires*, pars. CI (170), CXIV (181), CXLIX (206); see also above, note 100. In 1233 he appointed his nephew John, lord of Caesarea, as his deputy when he left for Cyprus: *ibid.*, par. CLVI (209). The strong identification of the Commune of Acre with the confraternity of St. Andrew may explain what appears to be a *lapsus calami* in the letter sent by the barons on June 7, 1241, to Frederick II, namely, their promise to remove "les conseles et les chevetaines de la commune, sauf ceux qui esteient" before 1225: Röhrich (as above, note 32). This promise most likely referred to the removal of officers who were members of the nobility, such as the *maiores consules* and the mayor, a step that would amount to a return to the original confraternity of St. Andrew as it happened in late May 1242 (see below), and should not be considered as evidence for the existence of a commune in Acre prior to 1225, an interpretation offered by Mayer (see above, note 96).

<sup>104</sup> Yet meetings of the liegemen may have taken place in Acre throughout the period, as suggested by Riley-Smith, *Feudal Nobility*, 180–82; to those of 1232 and 1233, which are well documented, one may add for instance the one of 1239 at which it was decided that Odo of Montbéliard should remain as sole "lieutenant of the bailli at Acre" after the death of Balian of Sidon: see above, 94.

<sup>105</sup> Philippe de Novare, *Mémoires*, par. CLXXIV (226). For fiefs in Acre and its vicinity around 1242, see Riley-Smith, *Feudal Nobility*, 123, 125, 170–71, 175, 178.

<sup>106</sup> Support for Filangieri may have been fostered by his own grants or his confirmation of previous grants of usurped Venetian assets in the city and countryside of Tyre, on which see TTh, II, 358–89. There is evidence for imperial officers in Jerusalem in November 1235 and May 17, 1242: *Cartulaire général de l'Ordre des Hospitaliers* (above, note 73), II, 494, no. 2127, and R. Röhrich, "Amalrich I., König von Jerusalem (1162–1174)," *MIÖG* 12 (1891), 493, no. VII. For Caesarea, see above, note 39.

<sup>107</sup> The exclusion of the latter is hinted by the expression "ceaus dou royaume de Jerusalem": Philippe de Novare, *Mémoires*, CLXXI (225), CLXXIV (226). On occasional joint meetings of visiting Crusaders and liegemen of the kingdom, see Riley-Smith, *Feudal Nobility*, 194–95.

meetings and deliberations of the liegemen in Acre, conducted in strict accordance with customary practice, were considered by the *participants* as regular, lawful sessions of the High Court. The victory of the baronial party provided the ultimate sanction to the revival of this body and vindicated the participants' contention that they represented the nobility at large.<sup>108</sup>

The return to the constitutional procedure of the High Court since the first meeting of this body in late May 1242 deprived the Commune of Acre of its role as bulwark of anti-imperialist resistance, as well as of its most influential members, the barons and the knights. Once the liegemen had renewed their participation as individuals in the High Court there was no longer any need for them to be represented by a corporate body, nor could they attend the meeting as both individuals and members of this body. The Commune or commonalty of Acre had virtually ceased to exist, and the confraternity of St. Andrew, reduced in size and limited to burgesses, largely reassumed its original character, although it was then presumably adorned with more prestige than before 1231. It appeared in its newly diminished capacity, represented by burgesses exclusively, among the non-noble bodies attending the June 5 meeting of the High Court.<sup>109</sup> Under these circumstances one has to be cautious about Marsilio Zorzi's reference to the attendance of the *commune civitatis Accon* at this meeting. Modern historians have erroneously considered this as evidence for the last appearance of the Commune of Acre. Of the two eyewitnesses, Marsilio Zorzi and Philip of Novara, the latter is undoubtedly more trustworthy. Marsilio was after all a foreigner, less familiar than Philip with the bodies and institutions existing in the Kingdom of Jerusalem, in spite of two years of residence in the Levant, and therefore less reliable in these matters. He is often inaccurate and uses a loose, careless language when dealing with legal issues of the kingdom.<sup>110</sup> We may therefore assume that Marsilio had in mind the confraternities, who may have appeared to the outsider he was as collectively representing the non-noble and non-ecclesiastical section of Acre's population submitted to royal authority or, more likely, its Latin

component. By itself the confraternity of St. Andrew could to a large extent fulfill this role, as it had done during the existence of the Commune of Acre. It undoubtedly remained a powerful burgess corporation after the withdrawal of the noblemen, a body whose political and military support for the baronial cause it was essential to ensure. After all, past experience had taught the anti-imperialist leaders how valuable it was in their struggle against Frederick II. The other confraternity attested before 1242 and most likely also invited to attend the meeting of June 5 was that of the Holy Spirit, founded in 1212. While it is true that this association was originally created by pilgrims and visiting Crusaders,<sup>111</sup> it is inconceivable that it should have survived over time unless it had acquired at least a permanent nucleus of local members,<sup>112</sup> a development attested for hospital congregations similarly founded by pilgrims and Crusaders.

The invitations extended by Balian of Ibelin and Philip of Montfort to non-noble bodies to attend the June 5 meeting established an important precedent. In the past bishops of the kingdom, not only as fief-holders and members of the High Court, as well as representatives of the military orders had participated in some important political gatherings, at which their moral and material support had been requested. The Italian communes, however, appeared for the first time at a meeting dealing with the affairs of the kingdom, a clear testimony to their growing military power and their increasing influence on the internal political scene since the Third Crusade.<sup>113</sup> This had been demonstrated anew in Acre less than a year before, in October 1241, when Genoa and Venice provided decisive assistance to the baronial party against Riccardo Filangieri.<sup>114</sup> The War of St. Sabas, which ended in 1258 with the victory of Venice and Pisa, added considerable weight to the standing of these

<sup>111</sup> See above, note 98, and especially Riley-Smith, "A Note on Confraternities," 302–6.

<sup>112</sup> Such must also have been the case with the confraternity of the Mosserins, in all likelihood formed by Nestorian Christians, perhaps initially visiting merchants from Mossul or Iraq and after the Mongol sack of Mossul in 1261 exiles permanently living in Acre. This suggestion is slightly different from those made by Richard, "La confrérie des Mosserins d'Acre," 454–58; Prawer, *Histoire*, II, 514 note 46, and R. Irwin, "The Supply of Money and the Direction of Trade in Thirteenth-Century Syria," in *Coinage in the Latin East. The Fourth Oxford Symposium on Coinage and Monetary History*, ed. P. W. Edbury and D. M. Metcalf, BAR International Series, 77 (Oxford, 1980), 75.

<sup>113</sup> In 1191 Pisa sided with Guy of Lusignan, while Genoa backed Conrad of Montferrat.

<sup>114</sup> See above, 86.

<sup>108</sup> This is also conveyed by the expression Philip of Novara used when suggesting the convening of an assembly of lieges of the whole kingdom (see previous note), although he had in mind only those of the lordship of Acre (see above, note 105).

<sup>109</sup> For evidence on this meeting, see above, notes 45 and 46.

<sup>110</sup> E.g., he mentions barons, yet not liegemen among those who attended the June 5 meeting: TTh, II, 354–55.

two Italian communes. Jurors of the Court of Burgesses of Jerusalem or Acre had met together with the High Court to witness legislation or charters, burgess lawyers had occasionally been consulted by this institution, and some burgesses had attended its meetings as individuals.<sup>115</sup> Yet never before had royal burgesses been represented by corporate bodies. The role of these bodies increased with the foundation of new confraternities, which occasionally pledged their collective allegiance by a separate oath of fealty.<sup>116</sup>

In view of these developments it is hardly surprising that after 1242 the bishops, military orders, and particularly the Italian communes and the confraternities became important, although not permanent, factors in the political life of the kingdom, appearing in the second half of the thirteenth century at seven political assemblies that may be considered as virtual parlements.<sup>117</sup> As before, decision making on constitutional problems remained both legally and technically the exclusive privilege of the liegemen of the High Court, and the leading barons determined whether or not non-nobles should attend such meetings, yet it appears that the latter's role became far more active than in 1242. Even John of Ibelin-Jaffa, whose class consciousness permeates his whole legal writing, did not conceal this crucial development. A glance at the sources describing the events related to the regency and kingship in 1242, 1264, 1269, and 1276 is revealing in this respect. In 1242 the non-nobles had merely given their tacit consent to the verdict of the liegemen, although they must have been somehow consulted before.<sup>118</sup> In 1264 an agreement was reached by the liegemen of the High Court, Geoffrey of Sergines, Saint Louis' representative in the Holy Land, the papal legate, the masters of the military orders, the representatives of the communes of Venice and Pisa and the con-

fraternities that Hugh of Antioch-Lusignan should be accepted as regent. Only afterward did the liegemen proceed with their customary formal deliberations on the matter.<sup>119</sup> When in 1269 Hugh claimed the Kingdom of Jerusalem for himself he first appealed practically to the same non-noble bodies before the liegemen took counsel.<sup>120</sup> In 1276 King Hugh III is said to have left the kingdom for Cyprus because of various incidents involving the Templars, Venice, and the confraternities who opposed his rule. A parlement attended by prelates, the Hospitalers, the Teutonic Knights, the Pisans, the Genoese, the confraternities, as well as burgesses begged him not to do so.<sup>121</sup> It has been suggested that the latter were jurors of the Court of Burgesses representing those royal burgesses who were not members of the confraternities.<sup>122</sup> This is impossible, however, as this court was solely a judicial institution and never functioned as a representative body;<sup>123</sup> moreover, had it fulfilled such a function it would also have represented the burgesses of the confraternities, who like all other royal burgesses were under its jurisdiction. It appears, therefore, that the sources allude to rich and powerful burgesses whose support it was essential to secure and who appeared as individuals alongside the corporate bodies.<sup>124</sup>

The dramatic events of 1242 created an unprecedented situation that required swift and novel so-

<sup>115</sup>See Riley-Smith, "The Assise sur la Ligece," 198–99, and idem, *Feudal Nobility*, 180, 194–95; Prawer, *Crusader Institutions*, 287–90, 327–29, 337. Yet only in 1231 did a joint meeting discuss constitutional matters.

<sup>116</sup>See below, note 119 for 1264, and "Documents relatifs à la successibilité," 419, chap. xvii, for 1269: "les homes liges qui là estoient doudit royaume de Jerusalem li firent homage . . . et tout le remanant des homes que là se troverent; et puis aprez receut les homages des autres qui li estoient tenus à faire, et aprez receut les serements des frairies et de tous les autres qui serement li devoient."

<sup>117</sup>See Riley-Smith, *Feudal Nobility*, 196–98; Prawer, *Crusader Institutions*, 79–82.

<sup>118</sup>See above, note 46. It should be stressed that they were not invited to the first meeting of the liegemen, which took place in late May: there was then no need for their political and military support.

<sup>119</sup>"Documents relatifs à la successibilité," 414–15, chap. xi: "Après cest aleguacion la Court dou royaume et messire Joffroy de Saugine, et le legat, et les maistres, et les comunes, et les frairies s'accorderent que le baill ost le bailliage dou royaume . . . et tous les chevaliers homes liges furent d'une part, et conneurent, par l'assise dou royaume de Jerusalem, que le bailliage montoit audit baill, . . . Et lors messire Joffroi de Saugines se depouilla et ala premier faire homage au baill, et puis tous les homes et borjois et frairies."

<sup>120</sup>Ibid., 415–16, chaps. xii–xiii, and esp. this passage: "A requerre le royaume de Jerusalem as homes et à la gent de Acre, le legat et les gens de religion, et le maistre du Temple, et l'Ospital des Alemans, et le concile de Pise, et le baill de Venise et les frairies, et tous les homes d'Acre que là se troverent." On the frequent use of *homes* for vassals as opposed to *gens* for burgesses, see Riley-Smith, *Feudal Nobility*, 182.

<sup>121</sup>"Eracles," in *RHC, HOcc*, II, 474: "plusors prelatz, religious (*sic!*) et autres chevaliers, Hospitaliers, Alemans, Pisans, borjois de la terre, Genevois, frairies, et toutes autres manieres de gens."

<sup>122</sup>See Riley-Smith, "A Note on the Confraternities," 304, and idem, *Feudal Nobility*, 196 and 197.

<sup>123</sup>In 1251 fourteen jurors of the Court of Burgesses attended a meeting of the High Court dealing with administrative matters related to its judicial function: see Prawer, *Crusader Institutions* 290–91.

<sup>124</sup>See above, notes 116, 119–21, for the expressions "tous les autres," "borjois," "la gent de Acre," "borjois de la terre," "toutes autres manieres de gens." On the "gransborjois d'Accre," see Prawer, *Crusader Institutions*, 287–90.

lutions to pressing problems. The election of a regent for an absentee king who had come of age had no foundation whatsoever in the constitutional law of the kingdom, nor was the invitation to the Italian communes and the confraternities to attend the meeting of the liegemen on June 5 rooted in custom. Both moves were clearly prompted by political expediency and an acute awareness of the new political and military forces that had emerged in the kingdom. Other measures, such as those regarding the custody of the royal fortresses, were similarly devised in 1242. Yet for the legalistically minded nobility of the Kingdom of Jerusalem innovative measures restricting royal authority or that of the regent could not endure unless firmly resting on legal foundations. The legal arguments adduced in 1242 were either tenuous, as for the repeal of Frederick's grants, or had to be invented. This raises a more fundamental issue, namely, the nature and evolution of custom and constitutional law in the thirteenth-century kingdom and their relation to the latter's political development. In this period the fascination of the lawyers of the kingdom with law and custom did not derive from a scholarly attitude; their approach was highly pragmatic and essentially motivated by partisan interests, in our context those of the baronial leaders.<sup>125</sup> This is perfectly illustrated by Philip of Novara, who is remarkably candid about the nature and purpose of the legal argumentation he suggested to Balian of Ibelin before starting negotiations with Queen Alice.<sup>126</sup>

The flexible and skillful interpretation, verging

at times on a cynical manipulation of law and custom, was not restricted, however, to lawyers offering solutions to urgent problems. It also extended to lawyers composing treatises of jurisprudence such as John of Ibelin-Jaffa who, as emphasized above, endowed legal expedients and fallacious arguments, some of which were formulated *post factum* to justify practical measures, with an aura of respectability by recording them as authoritative precedents and rules.<sup>127</sup> Yet, even when fallacious, the arguments invoked by these astute lawyers decisively contributed to the organic evolution of law and custom and created thereby new political realities. It has been convincingly demonstrated that the static picture of the relationship between king and barons presented by the thirteenth-century jurists active after the *Livre au Roi* was completed is consistent with the interests and ideology of a small baronial elite. It does not reflect, however, the shifting balance of power between king and barons, nor does it account for the political and constitutional evolution of the kingdom.<sup>128</sup> Nevertheless, modern historians still rely too often on the thirteenth-century legal treatises as if they mostly recorded long-standing rules and practices. In view of the precedents established in 1242, a crucial year in the history of the Kingdom of Jerusalem, it is essential to persevere in the thorough examination of the legal pronouncements of the jurists in order to determine, as far as possible, their true nature, origin, and dating.

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<sup>125</sup> See *ibid.*, 3–19, and Riley-Smith, *Feudal Nobility*, 120–29, 133–41.

<sup>126</sup> See above, 90.

<sup>127</sup> See above, 95 f.

<sup>128</sup> See especially Prawer, *Crusader Institutions*, 3–19, and Riley-Smith, *Feudal Nobility*, 136–41.